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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/711,850

11/13/2000

Raj Bridgelall

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7590

06/18/2004

Kirschstein Ottinger Israel & Schiffmiller P C
489 Fifth Avenue
New York, NY 10017-6105

EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/711,850

Applicant(s)

BRIDGELALL, RAJ

Examiner

Daniel St.Cyr

Art Unit

2876



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 5/03/04 in which claims 24 and 25 were canceled and claim 26 was added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppert et al, US Patent No. 5,640,002, in view of the applicant admitted prior art.

Ruppert et al disclose a portable RF ID tag and bar code reader comprising: a support 298 having a predetermined form factor; an RF reader 314 supported by the support, and operative for interrogating an RF resonant element 315 associated with a target by transmitting RF energy to the resonant element , and for reading RF data relating to the target from the interrogated element by detecting RF energy transmitted by the resonant element; and a magnetic stripe reader (magnetic head) (col. 17, line 13) supported by the support, and operative for sensing magnetically encoded data in a stripe card and reading the encoded data (see figures 16, 19, 10; col. 17, line 8+, col. 21, line 63 col. 22), wherein the support includes a printed circuit board on which electrical circuit component for the RF and stripe readers are mounted, the magnetic stripe reader includes sensor in the card slot (see col. 24, lines 38-60), wherein the RF reader and magnetic reader are supported within the support (see figure 16, 19; col. 17, line 8+), and wherein the RF reader has a receiving antenna and a transmitting antenna for sending and

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receiving RF data (see figure 44) and the RF and magnetic readers generate digital signals and share a common central processing unit and common digitizer (see figures 16, 19).

Ruppert et al fails to disclose or fairly suggests that the support has a parallelepiped shape having a planar base and printed circuit board elevated and generally parallel to the base.

The applicant discloses that having a support that has a parallelepiped shape measuring 1-1/2 inches in length, 1 inch in width, and 3/4 of an inch in height is considered a standard form factor and well known in the art. (see page 2, lines 1-3).

In view of the applicant disclosure, it would have obvious for a person of ordinary skill in the art at the time the invention was made to employ the well known support structure in the system of Ruppert et al in order to facilitate system construction. Such modification would make manufacturing easier by using standard parts that could be purchased of the shelf and would also provide greater flexibility in maintaining the system. With respect to having a planar base and a circuit board elevated and generally parallel to the base, such arrangement falls within the engineering design choice, failing to provide any unexpected results Therefore, it would have been an obvious extension as taught by Ruppert et al.

Response to Arguments

4. Applicant's arguments filed 5/03/04 have been fully considered but they are not persuasive.

REMARKS:

In response to the applicant's argument that Ruppert et al do not disclose a sensor recessed into the support, the examiner respectfully disagrees. Ruppert et al disclose a sensor in

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the card slot (see col. 24, lines 38-60) (that is recessed into the support). The applicant argument is not persuasive. Refer to the rejection above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

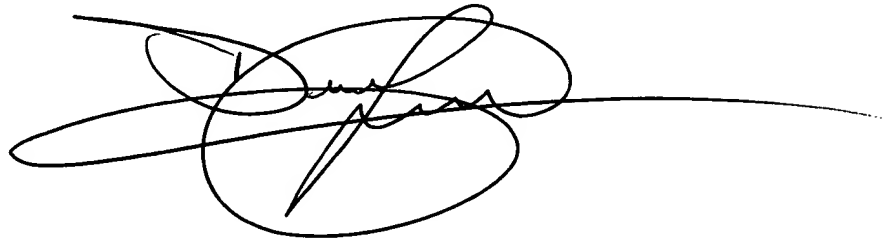
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr
Primary Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

DS
June 16, 2004